

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KERRY JOLSON SMITH,

Petitioner,

No. CIV S-00-0250 GEB JFM P

vs.

G. E. HARRIS, et al.,

ORDER

Respondents.

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Petitioner is a state prisoner proceeding through counsel with an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to this court's May 9, 2005 order, petitioner's amended petition was due on or before June 20, 2005. That deadline passed and petitioner had not filed an amended petition or otherwise responded to the court's order. By order filed July 8, 2005, petitioner was ordered to show cause in writing why this matter should not be submitted on the petition presently pending before this court. On July 17, 2005, petitioner filed a response to the order to show cause and a request for an second extension of time to file an amended petition. By order filed July 22, 2005, petitioner's request for extension of time was granted and petitioner was given one final period until August 31, 2005 in which to file an amended petition. The order specifically provided that no further extensions of time would be granted.

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1 The deadline for filing an amended petition has now passed. Accordingly, Good
2 cause appearing, IT IS HEREBY ORDERED that this matter is submitted for decision on the
3 original petition filed February 7, 2000 and the documents filed in support thereof and opposition
4 thereto.

5 DATED: November 2, 2005.

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8 UNITED STATES MAGISTRATE JUDGE

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